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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/942,690   | 08/31/2001  | Takashi Hasegawa     | H-990               | 9330             |
| 24956  | 7590        | 09/22/2005           | EXAMINER            |                  |
| MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.<br>1800 DIAGONAL ROAD<br>SUITE 370<br>ALEXANDRIA, VA 22314 |             |                      | HA, LEYNNA A        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2135                |                  |

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,690

Applicant(s)

HASEGAWA, TAKASHI

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-14 have been re-examined and are pending.
2. This is a Final rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuno, et al. (US 6,584,552).**

#### **As per claim 1:**

Kuno discloses a broadcasting method comprising the steps of:

broadcasting contents from a broadcaster along with a begin store command in a first time period to a receiving side, said begin store command causing said contents to be stored onto a storage medium at a receiving side; and **(col.20, lines 10-13 and 17-19)**

Art Unit: 2135

broadcasting a play command from a broadcaster in a second time period subsequent to said first time period to a receiving side, said play command causing said contents stored on said storage medium to be retrieved therefrom for output of the contents. **(col.21, lines 47-48 and 56-57)**

**As per claim 2: See col.19, lines 53-67;** discussing contents broadcast in said first time period are encrypted, and wherein said play command broadcast in said second time period includes a decryption key for decrypting the encrypted contents.

**As per claim 3: See col.5, lines 20-26 and col.19, lines 1-30;** discussing contents broadcast in said first time period includes an identifier identifying said contents, and wherein said play command broadcast in said second time period include an identifier allowing said contents to be retrieved from said storage medium for output.

**As per claim 4: See col.18, lines 43-46 and 21, lines 49-50;** discussing contents broadcast in said first time period include an end store command for terminating the storing of said contents onto said storage medium.

**As per claim 5:**

Kuno discloses a broadcast receiver comprising:

a receiver for receiving contents broadcast from a broadcaster in a first time period along with a begin store command causing said contents to be stored **(col.20, lines 10-13)**, and a play command broadcasted

Art Unit: 2135

from a broadcaster in a second time period subsequent to said first time period, said play command causing the stored contents to be retrieved for output; **(col.21, lines 47-48)**

a storage medium for storing said contents received; and **(col.20, lines 17-19)**

a processor for storing said contents onto said storage medium in accordance with the received begin store command **(col.20, lines 3-4)** and for retrieving said contents from said storage medium for output when said processor finds the play command is received. **(col.21, lines 56-57)**

**As per claim 6: See col.19, lines 53-67;** discussing contents broadcast in said first time period are encrypted, wherein said play command broadcast in said second time period includes a decryption key for decrypting the encrypted contents, and wherein said processor retrieves the encrypted contents from said storage medium and decrypts the retrieved contents for output.

**As per claim 7: See col.5, lines 20-26 and col.19, lines 1-30;** discussing contents broadcast in said first time period and stored on said storage medium include a first identifier identifying said contents, wherein said play command includes a second identifier, and wherein said processor retrieves for playback said contents stored on said storage medium along with said first identifier if said first identifier coincides with said second identifier included in said play command.

Art Unit: 2135

**As per claim 8: See col.18, lines 43-46 and 21, lines 49-50;**

discussing contents broadcast in said first time period include an end store command for terminating the storing of said contents onto said storage medium, and wherein said processor terminates the storing of said contents onto said storage medium the moment said end store command is received.

**As per claim 9: See col.19, lines 53-67;** discussing processor stores the received decryption key into a memory and deletes said decryption key from said memory after decrypting the encrypted contents using said decryption key.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Masuda, et al. (US 6,714,649).**

Art Unit: 2135

**As per claim 10:**

Masuda discloses a broadcasting method comprising the steps of:

broadcasting contents to be stored onto a storage medium at a receiving side in the first time period; and **(col.6, lines 46-47 and col.7, lines 24-28)**

broadcasting a play command in a second time period subsequent to said first time period **(col.6, lines 47-49 and col.7, lines 62-64)**, said play command causing said contents stored on said storage medium to be output for playing. **(col.7, lines 15-16 and col.8, lines 19-20)**

**As per claim 11:**

Masuda discloses a program stored on a computer readable storage medium executing a contents playback method on a computer, comprising instructions of:

finding a begin store command in a broadcast **(col.6, lines 46-47)**, storing contents in said broadcast in response to said begin store command in a storage medium at the receiving side, **(col.7, lines 24-28)**

finding a play command in a broadcast **(col.6, lines 47-49)**, said play command including an identifier which identifies contents broadcasted beforehand and store in said storage medium **(col.7, lines 62-),**

playing contents identified with said play command, from said storage medium when said play command is found in the broadcast. **(col.7, lines 15-16 and col.8, lines 19-20)**

Art Unit: 2135

**As per claim 12: See col.4, lines 29-30 and col.7, lines 13-15;**

discussing contents are encrypted, and said play command includes a decryption key for decrypting the encrypted contents, and wherein said step for playing includes a step for decrypting the contents before playing.

**As per claim 13: See col.4, lines 9-24;** discusses finding an end store command in a broadcast; and terminating the storing of contents onto said storage medium in response to said end store command is received.

**As per claim 14: See col.7, lines 55-58;** discusses deleting said decryption key after decrypting the encrypted contents.

### ***Response to Arguments***

**5. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.**

Claims 1,5, and 10-11 that originally claims a play command broadcasted wherein the play command causes the stored content to be retrieved for output was broad enough to read the play command can be broadcasted from anywhere such as the user/receiver to be outputted and to have the contents played once the receiver receives the contents from the broadcaster. Thus, the prior art used previously (Masuda, et al.) meets the original claimed limitation and even for amended claims



Art Unit: 2135

10-11 because claims 10-11 does not further limit the “play command” being broadcasted.

Independent claims 1 and 5 amends the claims to now incorporates “by the broadcaster” with the previous limitation “play command”. However, due to claims 1 and 5 amended to now include the play command being broadcasted from the broadcaster, it is obvious applicant is attempting to further define the distinction from Masuda so that Masuda no longer meets the claimed invention. Due to the claims 1 and 5 amended to contain the “play command broadcasted by the broadcaster”, the Examiner performed a further search and found proper prior art to meet the new limitation.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

Art Unit: 2135

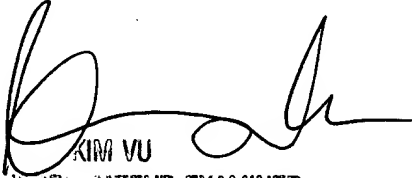
period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa



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